

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CLIFTON M. DIXON; JUSTUS4US, the Poor
People's Campaign, Inc.; LOUIS W.
BROWN; FRANCES POOLE; and CLEO B.
CARTER,

Plaintiffs,

-v.-

Civil Action No.
1:08-cv-502 (GLS/DRH)

ALBANY COUNT BOARD OF ELECTIONS;
VIRGINIA MAFFIA TOBLER; ALBANY
COUNTY DEMOCRATIC COMMITTEE;
COUNTY OF ALBANY; JAQUELINE F.
JONES; WANDA F. WILLINGHAM; JAMES
FREZZELL; STEPHANIE GALKA; MATTHEW
GALKA; and MATTHEW CLYNE,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFFS:

CLIFTON M. DIXON
Plaintiff *Pro Se*
Post Office Box 9053
Albany, New York 12209

Office of Samuel N. Iroegbu
Attorney for Plaintiff Justus4us
Suite 206
1531 Central Avenue
Albany, New York 12205

SAMUEL N. IROEGBU, ESQ.

LOUIS W. BROWN
Plaintiff, *Pro Se*
1 Bleecker Terrace #116
Albany, New York 12206

FRANCES POOLE
Plaintiff *Pro Se*
110 Second Street #107
Albany, New York 12210

CLEO B. CARTER
Plaintiff *Pro Se*
621 Central Avenue
Albany, New York 12206

FOR THE DEFENDANTS:

Napierski, Vandenburg & Napierski
L.L.P.
Attorney for Board of Elections
defendants
296 Washington Avenue Extension
Albany, New York 12203

THOMAS J. O'CONNOR, ESQ.
ASA S. NEFF, ESQ.

Office of William J. Conboy, II
Attorney for Defendant Maffia Tobler
Suite 1000
112 State Street
Albany, New York 12207

WILLIAM J. CONBOY, II, ESQ.

Crane, Parente & Cherubin
Attorney for Defendant Democratic
Committee
90 State Street
Albany, New York 12207

CLEMENTE J. PARENTE, ESQ.

Feeney, Centi & Mackey
Attorney for Defendant Jones
116 Great Oaks Boulevard
Albany, New York 12203

L. MICHAEL MACKEY, ESQ.

DerOhannesian & DerOhannesian
Attorney for Defendant Willingham
Suite 202
677 Broadway
Albany, New York 12207

PAUL DEROHANNESIAN, II, ESQ.
JENNIFER C. ZEGARELLI, ESQ.

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed February 18, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed February 18, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the motions of the Board of Elections defendants and Willingham for sanctions against plaintiffs for the failure of Brown, Poole,

and Carter to attend their depositions (Dkt. Nos. 86, 106) is:

1. **GRANTED** as to Brown, Poole, and Carter as follows:

A. Brown, Poole and Carter are **DISMISSED** with prejudice from this action as plaintiffs;

B. Brown is ordered to pay the Board of Elections defendants a total of \$493.33 and Willingham a total of \$210; and

C. Poole is ordered to pay the Board of Elections defendants a total of \$493.33 and Willingham a total of \$210; and

D. Carter is ordered to pay the Board of Elections defendants a total of \$493.00 and Willingham a total of \$210; and

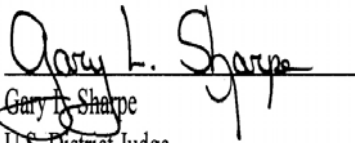
2. **DENIED** as to Dixon and Justus4us in all respects; and it is further

ORDERED, that the case is referred to the Magistrate Judge to schedule a conference to establish a schedule for completion of the case, and it is further

ORDERED, that the Clerk of the court serve a copy of this order upon the parties in accordance with this court's local rules.

IT IS SO ORDERED.

Dated: March 22, 2010
Albany, New York



Gary L. Sharpe
U.S. District Judge